

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM DEAN PHILLIPS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-08-1248-M
)	
STATE OF OKLAHOMA,)	
)	
Respondents.)	

ORDER

On November 20, 2008, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action concerning Petitioner, a prisoner appearing *pro se*, and his motion for leave to proceed *in forma pauperis*. The Magistrate Judge recommended Petitioner's motion be denied because he has sufficient funds to prepay the filing fee of \$5, and he does not qualify for authorization to proceed without prepayment of the filing fee. The Magistrate Judge further recommended that the action be dismissed without prejudice unless Petitioner paid the full filing fee to the Clerk of the Court by December 10, 2008. Petitioner was advised of his right to object with the Clerk of the Court by December 10, 2008, however, no objections were filed. Petitioner paid the filing fee on December 9, 2008. On that same date, Petitioner filed a Motion to Amend Petition for Writ of Habeas Corpus [Docket # 7].

Upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on November 20, 2008, and

- (2) RECOMMITS to the Magistrate Judge for further proceedings in this matter.

IT IS SO ORDERED this 13th day of March, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE